



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

August 7, 2009

Bill Binford
Marysville North 1, LLC
6513 132nd Avenue NE
Kirkland, WA 98033

RE: Your temporary trust water right donation of Ground Water Certificate 5539-A

Dear Mr. Binford:

The purpose of this letter is to acknowledge the acceptance of your donation to the Washington State Trust Water Right Program. The trust water right has been assigned the control number CG1-*07704C. Please refer to that number when corresponding with us about this trust water right.

The Department of Ecology (Ecology), pursuant to RCW 90.42.080(1)(b), acknowledges your donation in the amount of 175 gallons per minute and 70 acre-feet per year. The purpose of the donation is to benefit instream flow in Edgecomb Creek and Quilceda Creek. As per your request, this temporary donation will expire on October 1, 2011.

Ground Water Certificate 5539-A issued to Norman R. Penney, with a priority date of July 21, 1965. It authorizes the groundwater withdrawal of 175 gallons per minute and up to 70 acre-feet per year, for the irrigation of 75 acres, during the irrigation season. The authorized point of withdrawal is located within the NE¼ SW¼ of Section 27, Township 31 North, Range 5 East, W. M. The recorded place of use is the S½ S½ NW¼ and the N½ N½ SW¼ of Section 27, Township 31 North, Range 5 East, W. M.

RCW 90.42.080(4) specifies that a donated water right cannot exceed the extent to which the water right was exercised during the five years before the donation. Documents supplied with your application testify to full use of water within the most recent five years. As such, Ecology will accept your water right into the trust program at full face value.

In accordance with RCW 90.42.040(6), RCW 90.14.140(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the trust water right program. Ecology's acceptance of the donated water right into the trust water right program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert back to the water right holder or landowner in the full quantity accepted into the trust water program and for the original purpose.



If, prior to expiration of this temporary donation, you would like to extend the donation, please send us a written request. Also, if you wish to modify any terms of your donation, your letter must include the new terms. Ecology will review your request and any new or modified terms and conditions and will notify you whether the donation can be extended.

If you have any questions or concerns, please call Buck Smith at (425) 649-7147 or email him at buck.smith@ecy.wa.gov.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
PO Box 47608
Olympia WA 98504-7608

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey WA 98503

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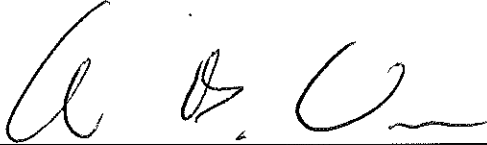
3. And send a copy of your appeal to:

Andrew B. Dunn
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>*

*To find laws and agency rules visit the Washington State Legislature Website:
<http://www.leg.wa.gov/CodeReviser>*

Signed at Bellevue, Washington, this 7th day of August, 2009.



Andrew B. Dunn, Section Manager
Water Resources Program

By certified mail (7008 0150 0003 7623 5728)

cc: Ryland Moore

ad/bs/mc